

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION

| | | |
|---------------------------|---|--------------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Cause No. 3:12-cr-0004-RLY-CMM |
| |) | |
| TAMERA R. JOHNSON, |) | - 02 |
| |) | |
| Defendant. |) | |

REPORT AND RECOMMENDATION

On January 10, and February 8, 2019, the Court held hearings on the Petition for Warrant or Summons for Offender Under Supervision filed on April 16, 2018. Defendant Johnson appeared in person with his appointed counsel Dominic Martin. The government appeared by Kendra Klump, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Jason Nutter.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Johnson of her rights and provided her with a copy of the petition. Defendant Johnson orally waived her right to a preliminary hearing.
2. After being placed under oath, Defendant Johnson admitted violations 1, 2, 3, 4, and 5. [Docket No. 130.]
3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

**Violation
Number**

Nature of Noncompliance

- 1 **“The defendant shall not commit another federal, state or local crime.”**

On April 13, 2018, the offender was arrested in Vanderburgh County Superior Court Case No. 82C01-1804-MC-001091, and charged with Battery-Domestic-Armed with a Deadly Weapon, Battery on a Public Safety Official, and Intimidation.

- 2 **“The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.”**

On April 13, 2018, the offender was arrested and charged with Battery – Domestic Violence with a Deadly Weapon. It is alleged the offender possessed a knife during this offense.

- 3 **“The defendant shall pay any restitution that is imposed by this judgement and that remains unpaid at the commencement of the term of supervised release.”**

As previously reported to the Court, when the offender began supervision she was instructed to make monthly payments of \$20 toward restitution. She failed to make payments during the month of October 2017, and January and February 2018.

- 4 **“The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance.”**

As previously reported to the Court, on March 8, 2018, the offender tested positive for cocaine and dilute.

- 5 **“The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.”**

As previously reported to the Court, on March 21, 2018, the offender was instructed to seek employment, but has failed to follow through.

4. The parties stipulated that:

- (a) The highest grade of violation is a Grade A violation.
- (b) Defendant’s criminal history category is III.

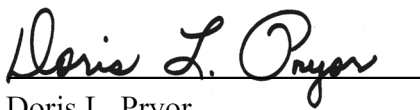
- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 18 to 24 months' imprisonment.

5. Government recommended a sentence within the guidelines with no supervised release to follow. Defendant recommended a sentence of twelve (12) months and one (1) day.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, that her supervised release should be revoked, and that she should be sentenced to the custody of the Attorney General or his designee for a period of twelve (12) months with no supervised release to follow. This Magistrate Judge will make a recommendation of a mental health evaluation. The Defendant is to be taken into custody immediately pending the District Judge's action on this Report and Recommendation.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties waived the fourteen-day period to object to the Report and Recommendation.

Date: 2/14/2019


Doris L. Pryor
United States Magistrate Judge
Southern District of Indiana

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